

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARCUS HAHN,

Petitioner,

v.

No. 21-cv-0880 KWR/DLM

UNITED STATES OF AMERICA,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on: (1) Petitioner Marcus Hahn's Amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence or Judgment by a Person in Federal Custody (Amended Motion), filed September 19, 2022 (Doc. 15); (2) Respondent's Limited Answer (Doc. 24), in which Respondent seeks dismissal of some of Hahn's claims for lack of jurisdiction; and (3) Magistrate Judge Damian L. Martínez's Proposed Findings and Recommended Disposition (PFRD) (Doc. 32), filed February 7, 2024. In the PFRD, Judge Martínez recommends that the Court deny Respondent's Limited Answer seeking dismissal of some of Hahn's claims. (Doc. 32.) Objections to the PFRD were due on March 6, 2024. (Doc. 34.) As of the date of entry of this Order, no objections have been filed; and, upon review of the law and record, the Court concurs with Judge Martínez's PFRD.

The Tenth Circuit has held that "a party's objections to the magistrate judge's report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review." *United States v. One Parcel of Real Property*, 73 F.3d 1057, 1060 (10th Cir. 1996). The parties' failure to timely object to the PFRD waives appellate review

of both factual and legal questions. *See In re Key Energy Res. Inc.*, 230 F.3d 1197, 1199–1200 (10th Cir. 2000); *One Parcel of Real Property*, 73 F.3d at 1059.

IT IS THEREFORE ORDERED as follows:

1. Judge Martínez’s Proposed Findings and Recommended Disposition (Doc. 32) are **ADOPTED** as an Order of the Court; and,

2. Respondent **SHALL FILE** a complete answer to the Amended Motion within **30 days** of this Order.

IT IS SO ORDERED.

/s/
KEA W. RIGGS
UNITED STATES DISTRICT JUDGE